

**REMARKS/ARGUMENTS**

In the present application, claims 1-8 are pending. Claims 1-8 are rejected. By this amendment, claims 1, 4 and 8 have been amended. No new matter has been added. As a result of this amendment, claims 1-8 are now believed to be in condition for allowance.

The support for the amendments to claims 1, 4 and 8 may at least be found at the Summary of the Invention beginning at page 3 through the end of the Detailed Description of the Invention at page 8 of Applicants' specification, and in the claims and Figures as originally filed.

The Examiner rejected claims 1, 3 and 5-7 under 35 U.S.C. §102(b) as being anticipated by Gardner (U.S.P.N. 5,749,279).

The Examiner rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Gardner (U.S.P.N. 5,749,279) in view of Ejima et al. (U.S.P.N. 5,673,601).

The Examiner rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Gardner (U.S.P.N. 5,749,279).

The Examiner rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Gardner (U.S.P.N. 5,749,279) in view of Ejima et al. (U.S.P.N. 5,673,601).

The Examiner rejected claims 1-6 and 8 under 35 U.S.C. §103(a) as being unpatentable over Applicant's admitted prior art (see pages 1-5), hereinafter AAPA, in view of Gardner (U.S.P.N. 5,749,279) or Ejima et al. (U.S.P.N. 5,673,601).

**Rejections under 35 U.S.C. §102(b)**

The Examiner rejected claims 1, 3 and 5-7 under 35 U.S.C. §102(b) as being anticipated by Gardner (U.S.P.N. 5,749,279).

In framing the rejection under 35 U.S.C. §102(b), the Examiner cited the description and teachings of Gardner in

Figures 1, 2 and 4 (See Office Action dated February 17, 2005 at pages 3-4, paragraphs 2 and 3).

Applicants' amended independent claim 1 now recites the following:

"1. (Currently amended) An apparatus for fine blanking of workpieces from a material (1), comprising:

a press plate (10) having a V-ring (11), which is under pressure from a V-ring cylinder (13) comprising a V-ring piston rod (15) connected to a V-ring piston (12) disposed opposite to and in support of the V-ring (11) of the press plate (10), and

a blanking punch (9) which is guided in the press plate (10) and to which a die plate (17) with counterholder (16) is assigned at a ram (7), wherein the ram (7) is supported against at least one compensation cylinder (22), which is hydraulically connected to the V-ring cylinder (13), and is in hydraulic equilibrium with the V-ring cylinder (13)."

Gardner fails to describe or teach, explicitly or inherently, the claim element "V-ring cylinder (13)", or those elements comprising the "V-ring cylinder (13)", or the element "V-ring cylinder (13)" being in "hydraulic equilibrium" with the element "ram (7)" as recited in Applicants' amended independent claim 1.

For the aforementioned reasons, Applicants' amended independent claim 1, and claims 3 and 5-7 being ultimately dependent thereupon, are not anticipated by Gardner under 35 U.S.C. §102(b). Applicants respectfully request the withdrawal

of the rejection against claims 1, 3 and 5-7 and request reconsideration and allowance of claim 1, 3 and 5-7.

**Rejections under 35 U.S.C. §103(a)**

The Examiner rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Gardner (U.S.P.N. 5,749,279) in view of Ejima et al. (U.S.P.N. 5,673,601).

In framing the rejection, the Examiner stated the following:

"Gardner discloses the invention substantially as claimed except for the use of four compensation cylinder; however, Gardner and Ejima et al. both disclose that it is old and well known in the art use to use multiple compensation cylinders for the purpose of reducing noise and inaccurate punchings. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use four compensation cylinders with the device of Gardner in order to increase the effects of the single cylinder. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use four compensation cylinders with the device of Gardner in order more effectively control noise, because it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art."

(Office Action dated February 28, 2005, pages 3-4, paragraphs 4 and 5).

Applicants' claim 2 is dependent upon amended independent claim 1.

Applicants' amended independent claim 1 now recites the following:

"1. (Currently amended) An apparatus for fine blanking of workpieces from a material (1), comprising:

a press plate (10) having a V-ring (11), which is under pressure from a V-ring cylinder (13) comprising a V-ring piston rod (15) connected to a V-ring piston (12) disposed opposite to and in support of the V-ring (11) of the press plate (10), and

a blanking punch (9) which is guided in the press plate (10) and to which a die plate (17) with counterholder (16) is assigned at a ram (7), wherein the ram (7) is supported against at least one compensation cylinder (22), which is hydraulically connected to the V-ring cylinder (13), and is in hydraulic equilibrium with the V-ring cylinder (13)."

Gardner fails to teach, suggest or motivate to one of ordinary skill in the art all of the claim elements recited in Applicants' amended independent claim 1. Ejima et al. fails to correct the deficiencies of Gardner.

For the aforementioned reasons, Applicants' claim 2, which is dependent upon amended independent claim 1, is patentable over Gardner in view of Ejima et al. under 35 U.S.C. §103(a). Applicants respectfully request the withdrawal of the rejection against claim 2 under 35 U.S.C. §103(a) and request reconsideration and allowance of claim 2.

The Examiner rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Gardner (U.S.P.N. 5,749,279).

In framing the rejection, the Examiner stated the following:

"Gardner discloses the invention substantially as claimed except for the effective cross-sectional area of the compensation pistons being equal to an effective cross-sectional area of the piston of V-ring cylinder; however, at the time the invention was, it would have been an obvious matter of design choice to a person of ordinary skill in the art to use similar effective cross-sectional areas for the both the compensation piston and the v-ring cylinder in order to more accurately control the movements of the cylinders because applicant has not disclosed that the effective cross-sectional areas provide any advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either effective cross-sectional areas taught by Gardner and the claimed equal effective cross-sectional areas because both effective cross-sectional areas perform the same function of accurately controlling the movements of the both the punch and die. Therefore, it would have been an obvious matter of design choice to modify Gardner to obtain the invention of claim 4."

(Office Action dated February 28, 2005, page 4, paragraph 5).

Applicants' amended claim 4 is ultimately dependent from amended independent claim 1 through dependent claim 3.

Applicants' amended independent claim 1 now recites the following:

"1. (Currently amended) An apparatus for fine blanking of workpieces from a material (1), comprising:

a press plate (10) having a V-ring (11), which is under pressure from a V-ring cylinder (13) comprising a V-ring piston rod (15) connected to a V-ring piston (12) disposed opposite to and in support of the V-ring (11) of the press plate (10), and

a blanking punch (9) which is guided in the press plate (10) and to which a die plate (17) with counterholder (16) is assigned at a ram (7), wherein the ram (7) is supported against at least one compensation cylinder (22), which is hydraulically connected to the V-ring cylinder (13), and is in hydraulic equilibrium with the V-ring cylinder (13)."

Gardner fails to teach, suggest or motivate to one of ordinary skill in the art all of the claim elements recited in Applicants' amended independent claim 1. Ejima et al. fails to correct the deficiencies of Gardner.

In addition, Applicants bring to the Examiner's attention that the statement in part, ".....applicant has not disclosed that the effective cross-sectional areas provide any advantage, is used for a particular purpose, or solves a stated problem", made when the Examiner framed this rejection is incorrect. Applicant draws the Examiner's attention to Applicants' "Summary of the Invention" at page 4, first full paragraph, lines 3-11 of Applicants' specification. The description in Applicants' "Summary of the Invention" explains the advantages, particular

purpose and solution to a stated problem with respect to the recitation in part, "...effective cross-sectional area of the compensation piston (23) is equal to an effective cross-sectional area of the V-ring piston (12) of the V-ring cylinder", of Applicants' amended claim 4.

For the aforementioned reasons, Applicants' amended claim 4 being ultimately dependent upon amended independent claim 1 through dependent claim 3 is patentable over Gardner under 35 U.S.C. §103(a). Applicants respectfully request the withdrawal of the rejection against claim 4 under 35 U.S.C. §103(a) and request reconsideration and allowance of claim 4.

The Examiner rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Gardner (U.S.P.N. 5,749,279) in view Ejima et al. (U.S.P.N. 5,673,601).

In framing the rejection, the Examiner stated the following:

"Gardner discloses the use of logic valves because applicant has not disclosed any specific definition for the 'logic' valves and hydraulic cylinder valves are designed to be 'logical' in that they separate control the amount of hydraulic fluid flowing through the valves.

In the alternative, even if it is argued that Gardner lacks logic valves, Ejima et al. discloses that it is old and well known in the art use to valves that are controllable by a control for the purpose of maintaining the desired pressures in the cylinders. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use 'logic' valves

with the device of Gardner in order to accurate control the pressure in the cylinders."

(Office Action dated February 28, 2005, pages 4-5, paragraph 7).

Applicants' amended claim 8 is dependent upon amended independent claim 1.

Applicants' amended independent claim 1 now recites the following:

"1. (Currently amended) An apparatus for fine blanking of workpieces from a material (1), comprising:

a press plate (10) having a V-ring (11), which is under pressure from a V-ring cylinder (13) comprising a V-ring piston rod (15) connected to a V-ring piston (12) disposed opposite to and in support of the V-ring (11) of the press plate (10), and

a blanking punch (9) which is guided in the press plate (10) and to which a die plate (17) with counterholder (16) is assigned at a ram (7), wherein the ram (7) is supported against at least one compensation cylinder (22), which is hydraulically connected to the V-ring cylinder (13), and is in hydraulic equilibrium with the V-ring cylinder (13)."

Gardner fails to teach, suggest or motivate to one of ordinary skill in the art all of the claim elements recited in Applicants' amended independent claim 1. Ejima et al. fails to correct the deficiencies of Gardner.



For the aforementioned reasons, Applicants' amended claim 8 being dependent upon amended independent claim 1 is patentable over Gardner in view of Ejima et al. under 35 U.S.C. §103(a). Applicants respectfully request the withdrawal of the rejection against claim 8 under 35 U.S.C. §103(a) and request reconsideration and allowance of claim 8.

The Examiner rejected claims 1-6 and 8 under 35 U.S.C. §103(a) as being unpatentable over Applicant's admitted prior art (see pages 1-5), hereinafter AAPA, in view of Gardner (U.S.P.N. 5,749,279) or Ejima et al. (U.S.P.N. 5,673,601).

Applicants bring to the Examiner's attention the Preliminary Amendment dated December 17, 2001 submitted upon filing of the present patent application and entered by the Examiner in the Office Action dated June 30, 2004. The aforementioned Preliminary Amendment specifies that Applicants' "Summary of the Invention" begins at page 3, before the first paragraph. Applicants' have not admitted as prior art the "Summary of the Invention" during the prosecution of the present application. Therefore, contrary to the Examiner's contention in framing this rejection, Applicants' "Summary of the Invention" does not constitute "Applicant's admitted prior art".

Applicants' "Background of the Invention" fails to teach, suggest or motivate to one of ordinary skill in the art all of the claim elements recited in Applicants' amended independent claim 1. Both Gardner and Ejima et al. fail to correct the deficiencies of the description in Applicants' "Background of the Invention".

For the aforementioned reasons, Applicants' amended independent claim 1, and claims 2-6 and 8 by virtue of their ultimate dependency upon claim 1, are patentable over AAPA in view of Gardner or Ejima et al. under 35 U.S.C. §103(a). Applicants respectfully request the withdrawal of the rejection against claims 1-6 and 8 under 35 U.S.C. §103(a) and reconsideration and allowance of claims 1-6 and 8.

#### Conclusion

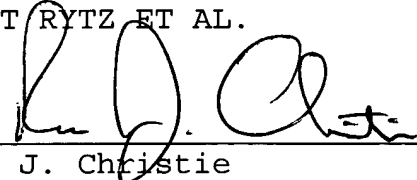
An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

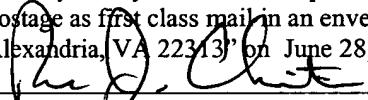
Respectfully submitted,

ERNST RYTZ ET AL.

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on June 28, 2005.

  
Ross J. Christie